



CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, California 90755-3799

August 1, 2005

Board of Supervisors
Violet Varona-Lukens, Executive Officer
Room 383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Ms. Varona-Lukens:

The City of Signal Hill is requesting consolidation with the County to place a measure on the November 8, 2005, ballot. Enclosed you will find certified copy of Resolution No. 2005-07-5486, "Calling a Special Election to Consider a Temporary Utility Users' Tax to Finance Construction of a new Modernized Police Station, and Requesting Consolidation with the Statewide Election", as adopted by the City Council of the City of Signal Hill at its meeting held on July 26, 2005.

Please process this resolution in accordance with County protocol in order to ensure the consolidation. Should you have any questions or require further information, please contact me at (562) 989-7305.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vivian M. Munson".

Vivian M. Munson
Deputy City Clerk

enc.

RESOLUTION NO. 2005-07-5486

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, CALLING A SPECIAL ELECTION TO CONSIDER A TEMPORARY UTILITY USERS' TAX TO FINANCE CONSTRUCTION OF A NEW, MODERNIZED POLICE STATION, AND REQUESTING CONSOLIDATION WITH THE STATEWIDE ELECTION TO BE HELD NOVEMBER 8, 2005

WHEREAS, the City has one Police Station, which was built in 1960, was remodeled in 1978 and is approximately 13,300 square feet in area; and

WHEREAS, the number of police officers and public safety employees working in the station has doubled since 1960, greatly exceeding the capacity of the facility; and

WHEREAS, in 1960 when the current Signal Hill Police Station was built, the City's population was only 4,620, and has grown by 130% to approximately 10,600 and there has been a commensurate increase in the demand for law enforcement services; and

WHEREAS, with the 130% growth in population, there has been similar growth in the City's industrial and commercial sectors, with 1,465,000 square feet of new construction since 1986, growing by 64% over that period, reflecting increased employment and business activity; and

WHEREAS, this growth has created the need to expand the number of sworn officers in the police force, which since 1980 has only grown by four (4) sworn officers, or 14% (from 28 to 32), or only 20% of the rate of growth in the industrial and commercial sectors of the City, and the City Council has adopted a plan to expand the size of the force by six (6) officers over a three (3) year period, and

I do hereby certify that the foregoing is a full, true and correct copy of the following original document on file with the City of Signal Hill: _____

Resolution No 2005-07-5486

V. K. Hanson

By: Quincy City Club

Date: 7/1/05

WHEREAS, in addition to needing additional space to accommodate the new officers, current operational problems resulting from the conditions at the City's Police Station include: lack of meeting space; inadequate space and decentralized property and evidence storage; lack of a dedicated Emergency Operations Center; and antiquated cabling and electrical systems unable to accommodate modern technologies; and

WHEREAS, law enforcement now uses new technology, and construction of a new, modernized Police Station will allow wiring for computers and telephone systems, visual aid equipment, upgrades in 911 emergency response communication equipment, and other benefits which will make the City's police force more efficient; and

WHEREAS, the Police Station does not meet current California building standards for "essential services facilities" or Americans with Disabilities Act requirements; and

WHEREAS, in 2001 the City of Signal Hill established a Citizens' Committee to study whether the City needed additional Police or Library facilities and, after numerous workshop meetings, concluded that a new Police Station and Library were needed; and

WHEREAS, concurrent with the Citizens' Committee, the Chief of Police prepared a staffing plan to assess the needs of the Police Department and concluded that at a minimum six (6) new patrol officers are necessary, that it would not be cost effective to modernize the 1960 Police Station, and that a new Police Station facility should be built; and

WHEREAS, in August 2004 the Chief of Police, in consultation with the City Manager and City Council established a 22-member Blue Ribbon Committee to specifically consider Police Department facility needs and to make suggestions regarding how such new facilities would be funded; and

WHEREAS, an independent consultant was hired by the City, WMM & Associates, to conduct a needs assessment for the Police Department and in a report dated May 7, 2001, concluded that a Police facility of approximately 24,200 square feet was needed to accommodate the current and future needs of the Police Department, and that such a facility would cost approximately \$12 million; and

WHEREAS, the City has sought and received grant funds for the construction of a new Police Station, and has also been setting aside reserve funds for such expenses, and has approximately \$2.5M available for such purposes but has an approximately \$10M shortfall; and

WHEREAS, the Blue Ribbon Committee in a report dated June 14, 2005, recommended that: (i) the increased staffing plan be approved adding two (2) officers per year for three (3) years; (ii) a new Police Station be constructed; (iii) the new officers be paid for out of on-going budget resources; (iv) the new Police Station be funded using existing City reserves to the extent possible, and if necessary, by enacting a 3% utility users' tax and (v) the City consider eliminating "Park Development" fees and adopt a broader "Public Facility" fee; and

WHEREAS, the Blue Ribbon Committee considered the utility tax the most feasible funding mechanism over alternatives such as use of developer impact fees, a property or sales tax increase or creation of a community services assessment district; and

WHEREAS, the City's existing 4,428 square foot library was built in the 1930's, has 25,000 items, and is inadequate in size (both as to the building and the book collection) to meet the City's requirements as documented in the Library Needs Assessments prepared in 1998 and 2002-03; and

WHEREAS, Robert R. Coffee Architect + Associates was hired by the City to develop a library plan and has recommended an approximately 10,000 square foot facility with a construction budget of approximately \$5.1M and the Librarian anticipates that such an expansion would permit a doubling of the collection; and

WHEREAS, the City applied three times to obtain State Library grant funds to construct a new library but has been denied such funding; and

WHEREAS, at the City Council meeting of June 28, 2005, the City Manager presented a comprehensive report incorporating the recommendations of the Blue Ribbon Committee and recommended a funding plan to increase general City operating expenses by almost \$800,000 to pay for six (6) new police officers and to develop \$17M in funding to construct a new library and Police Station, and the City Council approved the City Manager's funding plan; and

WHEREAS, the City Manager's funding plan included the following elements:

(a) The expansion of the force by six (6) officers can be accommodated out of projected budget growth and reallocation of revenues by adding two (2) officers per year at an annual increased cost of \$260,00 or a total increased annual cost of \$784,000 after three (3) years;

(b) The new library facility can be funded by reallocation of existing reserve funds to create a building fund of \$4.9M;

(c) Although a reallocation of reserve funds for the Police Station can create a fund of approximately \$2.5M, and a donation of land by the City valued at \$1M can create a total contribution by the City of \$3.5M to the project, there remains a shortfall of approximately \$10M; and

(d) A three percent (3%) utility tax to be imposed for 15 years would raise \$1.36M annually and retire approximately \$13M in bonds to pay for the new Police Station, and such measure should be placed before the voters.

WHEREAS, the City Council unanimously endorsed the City Manager's funding plan making the following findings:

(a) It is vital to the health and safety and well being of the community to provide additional police services for the growing population; and

(b) The police force can be expanded by six (6) officers, adding two (2) officers per year for three (3) years and paying for this growth out of reallocation of current funds and from projected revenue growth, at a projected cost of \$274,500 of the first year, \$215,000 of the second year, and \$294,500 the third year for a total annual increased cost of \$784,000; and

(c) It is also vital to the well being of the community to add to the cultural and educational resources of the community by constructing a new library, and reserves will be reallocated to create a building fund of \$4.9M to pay for construction of such facility, without any taxation of the City residents therefor;

(d) The existing Police Station is obsolete and cannot be remodeled at a reasonable cost; the population of the City has grown by 130% since the facility was built in 1960; and a new station must be built to accommodate technological advances, changes in legal requirements, and the growth in the force necessary to serve the City's growing population; and

(e) The City shall contribute \$2.5M in reserves and property valued at \$1M for the construction of the new Police Station, but the remainder of such funding should be raised through a temporary three percent (3%) utility tax which is the most equitable means of raising such funds and will be subject to a vote of the people.

WHEREAS, the utility tax is projected to raise \$1.36M per year and the City Council considered a "save and build plan" where the revenues would be collected annually and the Police Station would be constructed when sufficient funds had been raised, but the Council believes this could take many years, particularly with escalating construction costs, and

WHEREAS, the City Council will utilize the utility tax proceeds to fund the debt service on a \$13M bond issue to pay for the cost of constructing the Police Station; and

WHEREAS, the proposed utility users' tax would not exceed three percent (3%) of all charges for electric, gas, water, telephone, cable and other utility services and be imposed for a period not to exceed 15 years; and

WHEREAS, the estimated cost of the proposed utility tax for a single-family house or condominium is \$12.60 per month; and

WHEREAS, any utility users' tax imposed shall exempt households whose occupants are over 65 years of age and low-income households where the annual gross income of the household is less than the annual amount prescribed by City Council resolution; and

WHEREAS, State law requires that any act to create or increase taxes where the proceeds of the revenues are committed to a specific purpose must be approved by two-thirds of the voters; and

WHEREAS, the City Council has determined that revenue from a newly established utility users' tax, if approved by the voters, shall be dedicated to pay to construct and equip a new Police facility, including financing bonds for this purpose; and

WHEREAS, the City Council desires to submit said ballot measure to the qualified voters of the City at a Special Election to be held in the City on November 8, 2005, (hereafter "Special Election"); and

WHEREAS, the City Council desires to consolidate the Special Election with the special statewide election ordered by the Governor to be held on November 8, 2005, and within the territory affected by the consolidation.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, RESOLVES AS FOLLOWS:

Section 1. That there shall be and there is hereby ordered a consolidated Special Election, to be held on November 8, 2005, for the purpose of submitting to the qualified electors of said City, the proposition set forth below.

Section 2. That said proposition shall appear on the ballot for said Special Election in the following form:

SIGNAL HILL PUBLIC SAFETY IMPROVEMENTS; FINANCING Shall the City of Signal Hill impose a tax of 3% on charges for electric, gas, water and other utility services (with exemptions for seniors and low income households) for a period of no more than 15 years to finance and construct a new, modernized police station in the City of Signal Hill and to pay for police equipment and other related costs?	Yes
	No

Section 3. A true and correct copy of the measure proposed for the Special Election referenced in Section 2 is attached hereto as Exhibit "A" and incorporated herein by reference. A copy of this resolution shall be kept on file in the Office of the City Clerk. The measure shall be designated on the ballot by a letter printed on the left margin of the square, as provided by Section 13116 of the Elections Code.

Section 4. The Special Election hereby called for November 8, 2005, shall be and is hereby ordered consolidated with any other election to be held within the City on said date, and within the territory affected by the consolidation. The Board of Supervisors of the County of Los Angeles ("Board") and the Los Angeles County Registrar of Voters (the "Registrar"), are hereby requested to order the consolidation of the Special Election hereby called with any other election to be held within the City on said date, and within the territory affected by the consolidation, and the Board and the Registrar are hereby authorized to canvass the returns of said Special Election, and said Special Election shall be held in all respects as if there were only one election and the form of ballot shall be as provided for the Special Election. Said Board shall certify the results of the canvass of the returns of said Special Election to the City Council which shall thereafter declare the results thereof.

Section 5. In all particulars not recited in this resolution, said Special Election shall be held and conducted as provided by law for holding special elections in said City.

Section 6. Notice of time and place of holding said Special Election is hereby given and the City Clerk is hereby authorized, instructed and directed to give such further or additional notice of said Special Election, in time, form and manner as required by California Elections Code § 12111 or other State law.

Section 7. The City Clerk shall transmit a copy of this resolution and the proposed measure referenced in Section 2 to the City Attorney and the City Attorney shall, no later than 5:30 P.M., August 10, 2005, prepare and file with the City elections official an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

Section 8. Pursuant to Elections Code Section 9282 a person or group of persons may file with the City elections official written arguments for or against the proposed ballot measure described in Section 2 by 5:30 P.M., August 10, 2005, however, no written argument may be changed or withdrawn after said time.

Section 9. The City Clerk is hereby directed to file this resolution with the Board and Registrar and take any and all other steps necessary to cause the ballot measure to be placed before the voters at the Special Election.

Section 10. The City Council authorizes reasonable and actual election expenses to be paid to the County upon presentation of a properly submitted bill.

Section 11. The proposition shall be adopted upon a two-thirds vote of the electorate voting in favor of the proposition at the Special Election.

Section 12. This resolution shall be liberally construed to carry out its purposes.

Section 13. Adoption of this resolution is not subject to CEQA by virtue of CEQA Guideline 15378(b) (4). In the alternative, even if this funding mechanism could be found to be a project under CEQA, it would be categorically exempt from CEQA pursuant to 14 California Code of Regulations Sections 15307, 15308, 15313 and 15262.

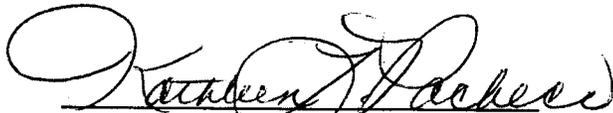
Section 14. If any section, subsection, sentence, clause, phrase, or portion of this resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution. The City Council hereby declares that it would have adopted this resolution and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 15. This Resolution shall be effective immediately upon passage and adoption.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Signal Hill, California, this 26th day of July 2005.


EDWARD H. J. WILSON
MAYOR

ATTEST:


KATHLEEN L. PACHECO
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SIGNAL HILL)

I, KATHLEEN L. PACHECO, City Clerk of the City of Signal Hill, California, hereby certify that Resolution No. 2005-07-5486 was adopted by the City Council of the City of Signal Hill, California, at a regular meeting held on the 26th day of July 2005, and that the same was adopted by the following vote:

AYES: Mayor Edward H.J. Wilson, Vice Mayor Larry Forester,
 Council Member Tina L. Hansen, Michael J. Noll and
 Ellen Ward

NOES: None

ABSENT: None

ABSTAIN: None


KATHLEEN L. PACHECO
CITY CLERK

EXHIBIT "A"

AN ORDINANCE OF THE PEOPLE OF THE CITY OF
SIGNAL HILL ESTABLISHING A UTILITY TAX OF THREE
PERCENT WITH THE FUNDS TO BE USED TO DEVELOP
A NEW POLICE STATION AND PAY FOR THE POLICE
EQUIPMENT AND RELATED COSTS

THE PEOPLE OF SIGNAL HILL DO ORDAIN AS FOLLOWS:

SECTION 1. A new chapter, to be numbered 3.10, entitled "Utility User Tax" is hereby added to the Signal Hill Municipal Code, said Chapter to read as follows:

"CHAPTER 3.10

Section 3.10.010 Utility Users Tax Imposed. There is hereby imposed a tax of three (3) percent on the charges made for the following utility services:

- (a) The use of electrical energy in the City;
- (b) The use of water delivered through mains or pipes in the City;
- (c) The use of gas whether delivered through a pipeline system or by mobile transport;
- (d) The use of telephone services;
- (e) The use of cable television or cable internet access in the City from a cable television or cable internet supplier; and
- (f) Other similar utility services.

Section 3.10.020 Exemptions.

- (a) Nothing in this chapter shall be construed as imposing a tax upon any person when imposition of such tax upon that person would be in violation of the Constitution of the United States or the Constitution of the state of California, or any valid statute or regulation of either the United States of America, or the State of California.
- (b) The City Council shall exempt all qualified seniors defined as 65 years or older and low-income households with the qualifying income level to be established by ordinance or resolution of the City Council.
- (c) The City Council may, by ordinance or resolution, establish one or more classes of persons, or one or more classes of utility service, otherwise subject to payment of a tax imposed by this chapter, and provide that such classes of persons or service shall be exempt, in whole or in part, from such tax.

Section 3.10.030 Police Station Special Fund. The revenues raised pursuant to this Chapter shall be placed by the Director of Finance in a special fund to be called the "Police Station Special Fund" and shall be spent only for the purposes of planning, designing, constructing and equipping a new, modernized Police Station within the City to benefit the residents of Signal Hill. Without limiting the generality of the foregoing, eligible costs include all professional consultant costs including architectural, engineering, geotechnical, legal, financial, accounting, and similar costs; all direct and indirect city costs; land acquisition costs, if any; purchasing of furnishings and equipment, including any equipment used by law enforcement personnel within or outside of the station; all contract costs to construct the improvements, including demolition, soil and grading work, site work, constructing the buildings, providing parking and landscaping, off-site work involving streets and utility connections, demolition of the existing facility; the cost of issuing bonds for the purpose of paying all of the foregoing costs, and all other related and necessary costs. To ensure that Police Station Special Fund revenue is only spent for the purposes in this section, on an annual basis, the Director of Finance shall issue a report which may be a separate section of the annual City audit to update City residents on the status of the Police Station project and the amount of funds collected and expended.

Section 3.10.040. Expiration of Tax. The tax authorized hereunder shall expire fifteen (15) years from the date of enactment, or upon the earlier repayment of bonds issued to construct the Police Station, and this Chapter shall be rescinded and of no further force and effect after such date, unless extended by the voters of the City of Signal Hill at a subsequent election.

Section 3.10.050. Authority of the City Council. The City Council shall have full authority to adopt additional provisions hereunder which are necessary to implement the provisions of this Chapter to establish a utility tax and spend the proceeds to construct a new police station in the City, provided that the City Council may not adopt any provision inconsistent with the foregoing sections of this Chapter."

Section 2. Issuance of Bonds. The City Council is hereby authorized pursuant to State law to issue bonds in one or more series for purposes of paying those costs stated in Section 3.10.030.

Section 3. Commencement Of Tax. The City shall work with all utility entities for an appropriate phasing in of the tax so that all utility customers shall have appropriate notice of the commencement of the tax.

Section 4. CEQA. Nothing in this section shall be construed as approving a specific project or otherwise affecting the California Environmental Quality Act (CEQA), as a full CEQA compliance shall be required prior to approval and development of the project.

Section 5. **Liberal Construction.** This Ordinance shall be liberally construed to carry out its purposes.

Section 6. **Severance.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution. The voters of the City of Signal Hill hereby declare that it would have adopted this resolution and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 7. **Effective Date.** If approved by the voters of the City of Signal Hill, this Ordinance shall become effective ten (10) days after the declaration of the election results by resolution of the City Council.

[END OF EXHIBIT "A"]